

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed July 16, 2002. In order to advance prosecution of this Application, Applicants have responded to each issue raised by the Examiner. Applicants respectfully request reconsideration, further examination, and favorable action in this case.

The Examiner rejects Claims 1, 3-7, 9-18, and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 15 of U.S. Patent No. 6,272,353. Although Applicants do not necessarily agree with or acquiesce to any of the Examiner's characterizations of the claims of the present Application or of U.S. Patent No. 6,272,353, Applicants will file a Terminal Disclaimer to obviate the double patenting rejection upon an acknowledgement by the Examiner that the Application contains allowable subject matter.

The Examiner also rejects Claims 1-18 and 20 under 35 U.S.C. § 103(a), as being obvious over U.S. Patent No. 6,151,352 by Taki et al. ("*Taki*") in view of U.S. Patent No. 6,377,609 by Brennan, Jr. ("*Brennan*"). The Examiner further rejects Claims 1-20 under 35 U.S.C. § 103(a), as being obvious over *Taki* in view of U.S. Patent No. 6,269,086 by Magana et al. ("*Magana*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Claim 1 recites a system for minimizing the loss of information in cordless communications, which includes:

a first data station having control logic, the control logic operable to:  
establish a plurality of individual communication channels needed to transmit information between the first data station and a second data station, each of the channels associated with a unique channel frequency, select a first unique channel frequency to be used for the first channel between the two data stations; determine parameters relating to a spectral separation between each of the channels; and select unique channel frequencies for the remainder of the plurality of channels in response to the determined parameters; and

response logic residing in the second data station, the response logic operable to receive the information from the first data station on the plurality of communication channels.

*Taki*, *Brennan*, and *Magana* fail to teach or suggest all elements of Claim 1.

*Taki* describes a wireless communication system that includes a base unit and multiple handsets. (*Abstract*). Each handset may communicate with the base unit and with other handsets. (*Abstract*). The base unit and the handsets include a hopping table 36. (*Col. 7, Lines 55-60*). The hopping table 36 in the base unit includes an array of values used by the base unit to select communication frequencies to communicate with the handsets. (*Figure 4(a); Col. 10, Lines 46-50 and 63-65*). The hopping table 36 in each handset includes the same array of values, plus additional arrays that are used to select communication frequencies to communicate with other handsets. (*Figure 4(b); Col. 10, Lines 50-53 and 65-67*). Each array includes extra values (numbered  $n+1$ ,  $n+2$ ), which may be used when frequencies corresponding to the currently-used values (numbered 0 through  $n$ ) are experiencing excessive error rates. (*Col. 12, Lines 22-37*).

*Taki* uses the hopping tables to select communication frequencies. *Taki* expressly teaches that the values in the array are "pseudo-random numbers" and that the communication frequencies "change randomly" within a frequency band. (*Col. 11, Lines 48-53*). As a result, *Taki* contains no mention of using anything related to "spectral separation" to select one or more unique channel frequencies. *Taki* also fails to teach or suggest selecting a first unique channel frequency and then using parameters related to spectral separation to select the additional unique channel frequencies. Because of this, *Taki* fails to teach or suggest selecting a "first unique channel frequency" for a first channel and then selecting "unique channel frequencies" for the remaining channels using parameters relating to a "spectral separation" between the channels as recited in Claim 1.

The fact that *Taki* includes additional values (numbered  $n+1$ ,  $n+2$ ) in the arrays also does not teach or suggest Claim 1. These additional values are selected when the error rate for a frequency in use suggests interference or some other problem. The Examiner has not

shown that these values are selected based on "parameters relating to a spectral separation between each of the channels" as recited in Claim 1.

To the extent that the Examiner relies on knowledge that is well known in the art to teach or suggest Claim 1, Applicants respectfully request that the Examiner provide citations to specific references. Applicants also respectfully request that the Examiner provide an explanation how those references specifically teach or suggest elements of Claim 1.

*Brennan* is cited by the Examiner simply to show that more than two channels can be used in a communication system. (*Office Action, Page 4, Paragraph 2*). The Examiner does not rely on *Brennan* to teach or suggest any specific element of Claim 1.

Among other reasons, *Magana* is cited by the Examiner to show that "more spectrum may be used in FDD communications" because "FDD operations occur over separate frequencies for transmission and reception." (*Office Action, Page 7, Paragraph 1*). Applicants respectfully note that *Magana* contains no mention of a "data station" having "control logic" that is operable to select a "first unique channel frequency" for a first channel and then select "unique channel frequencies" for the remaining channels using parameters related to the "spectral separation" between the channels as recited in Claim 1. In fact, *Magana* never even mentions a data station selecting frequencies for different channels.

For at least these reasons, the proposed *Taki-Brennan* and *Taki-Magana* combinations fail to teach or suggest Claim 1. Applicants respectfully request withdrawal of the rejections and full allowance of Claim 1, and Claims 2-6 depending from Claim 1.

Claim 7 recites a method for minimizing the loss of information in cordless communications, which includes:

- a) establishing a plurality of individual communication channels between at least two data stations;
- b) selecting a first unique carrier frequency to be used for the first of the plurality of channels;
- c) determining parameters relating to achieving a maximum throughput of information over the channels between the data stations; and

- d) selecting additional unique carrier frequencies to be used for the remainder of the plurality of channels, in response to the determined parameters.

As described above, *Taki*, *Brennan*, and *Magana* fail to teach or suggest selecting a first unique frequency, determining parameters, and selecting additional unique frequencies in response to the parameters. As a result, *Taki*, *Brennan*, and *Magana* fail to teach or suggest Claim 7.

The Examiner asserts that *Taki* and *Magana* inherently teach “a maximum throughput over the channels by avoiding as much interference as possible.” (*Office Action*, Page 2, Paragraph 2; Page 7, Paragraph 1). However, the Examiner must present evidence that “the missing descriptive matter is necessarily present in the thing described in the reference.” (*MPEP* § 2112). The Examiner has not shown that “avoiding as much interference as possible” necessarily leads to a maximization of throughput in the systems of *Taki* and *Magana*.

For at least these reasons, the proposed *Taki-Brennan* and *Taki-Magana* combinations fail to teach or suggest Claim 7. Applicants respectfully request withdrawal of the rejections and full allowance of Claim 7, and Claims 8-14 depending from Claim 7.

Claim 15 recites a method for minimizing the loss of information in cordless communications, which includes:

- a) providing at least two data stations having a plurality of communication channels to transmit information between the data stations;
- b) determining a first unique carrier frequency for the first of the channels between the data stations;
- c) determining parameters relating to a spectral separation required for the next one of the channels; and
- d) repeating the process for another channel.

As described above, *Taki*, *Brennan*, and *Magana* fail to teach or suggest selecting a first unique frequency, determining parameters, and selecting additional unique frequencies in response to the parameters. *Taki*, *Brennan*, and *Magana* also contain no mention of a data

station using anything related to "spectral separation" to select one or more unique channel frequencies. As a result, *Taki*, *Brennan*, and *Magana* fail to teach or suggest Claim 15.

For at least these reasons, the proposed *Taki-Brennan* and *Taki-Magana* combinations fail to teach or suggest Claim 15. Applicants respectfully request withdrawal of the rejections and full allowance of Claim 15, and Claims 16-20 depending from Claim 15.

New Claims 21-22 have been added. Applicants respectfully submit that Claims 21-22 contain no new matter. Applicants respectfully request entry and full allowance of Claims 21-22.

**CONCLUSION**

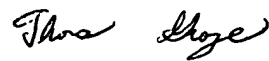
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

A clean set of claims is attached in the "Clean Version of All of the Pending Claims" section, consolidating all claims currently pending in the application.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants have included an Amendment Fee Transmittal to pay for the addition of Claims 21-22. Applicants do not believe that any additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 19-2179 of Siemens Corporation.

Respectfully submitted,



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